

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SCOTT RODGERS)	C.A. No. 04-11842-PBS
Plaintiff,)	
)	
v.)	
)	
CORRECTION OFFICER ORCHID,)	
UNKNOWN CORRECTION OFFICER JOHN)	
DOE, JOE WHITMORE, DR. HOWARD,)	
JOHN SMITH, PLYMOUTH COUNTY)	
Defendants.)	
)	

PLAINTIFF'S MOTION FOR CLARIFICATION

Now comes counsel for the Plaintiff in the above-entitled matter and hereby moves to clarify the rulings issued by this Court on February 26 and February 27, 2007. Specifically, counsel requests clarification as to whether the case is now closed or whether the Plaintiff will be allowed to pursue his state law negligence claim in this Court.

Furthermore, if the Plaintiff's amendment adding a negligence claim against Defendant Dr. Howard was indeed allowed pending "a decision by the state court as to whether this amendment relates back," the Plaintiff is unsure as to how such a ruling could be obtained from the state courts.

Finally, Plaintiff would respectfully point out that the issue of whether the proposed amendment "relates back" has never been raised by Defendant Howard and, upon information and belief, is not actually in dispute. Although Defendant Howard's opposition to the Plaintiff's motion to amend made several arguments, neither statute of limitations nor relation back was one of them.

Respectfully submitted,
The Plaintiff Scott Rodgers,
By his attorneys,

DATED: March 6, 2007

//s// Michael Tumposky
Stephen Hrones (BBO No. 242860)
Jessica D Hedges (BBO No. 645847)
Michael Tumposky (BBO No. 660618)
Hrones, Garrity & Hedges, LLP
Lewis Wharf-Bay 232
Boston, MA 02110-3927
T) 617/227-4019

CERTIFICATE OF SERVICE

I, Michael Tumposky, hereby certify that on this 6th day of March, 2007, I served a true and correct copy of the foregoing, where unable to do electronically, on all counsel of record in this matter.

//s//Michael Tumposky
Michael Tumposky